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# THEORY OF NEGOTIATION

## COURSE READINGS

2000-2001

Professor Janice Gross Stein  
Mr. Philip Siller  
Mr. Jeff Rose

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FACULTY OF LAW  
UNIVERSITY OF TORONTO

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## THEORY OF NEGOTIATION READING LIST 2000-2001

### Week 1-2: Models and Formal Analysis

James Morrow, *Game Theory for Political Scientists*, pp. 302-305, 311-313, 7-9, 16-34, 73-81.

Sylvia Nasar, *A Beautiful Mind*, Chapter 49, 374-378.

Anatol Rapoport, Introduction, in Anatol Rapoport, *Game Theory as a Theory of Conflict Resolution*, pp. 1-9.

James K. Sebenius, "Negotiation Analysis: A Characterization and Review," *Management Science* 38 (January 1992), pp. 18-38.

### Week 3-4: Cognitive and Behavioural Factors

Daniel Kahneman and Amos Tversky, "Conflict Resolution: A Cognitive Perspective," Faculty of Law, University of Toronto, *Legal Theory Workshop Series* (March 1993) 1-30.

Max H. Bazerman and Margaret A. Neale, "Negotiator Rationality and Negotiator Cognition: The Interactive Roles of Prescriptive and Descriptive Research," in H. Peyton Young, *Negotiation Analysis*, pp. 109-129.

Janice Gross Stein, "International Cooperation and Loss Avoidance: Framing the Problem," in Janice Gross Stein and Louis Pauly, eds., in *Choosing to Cooperate: How States Avoid Loss*, pp. 2-34.

Barbara C. Bedont, "Gender Differences in Negotiations and the Doctrine of Unconscionability in Domestic Contracts," in *Canadian Family Law Quarterly*, pp. 21-44.

### Week 5-8: The Structure of Negotiations: Pre-Negotiation, Structural Features, Bargaining Resources

Janice Gross Stein, "Getting to the Table: The Triggers, Stages, Functions and Consequences of Pre-Negotiation," in *Getting to the Table: Processes of International Pre-Negotiation* pp. 239-268.

Howard Raiffa, *The Art and Science of Negotiation* pp. 11-25

James K. Sebenius, "Sequencing to Build Coalitions: With Whom Should I Talk First?" in Richard J. Zeckhauser, Ralph L. Keeney and James K. Sebenius, *Wise Choices. Decisions, Games and Negotiation*, pp. 324-348.

Stephen E. Weiss, "Explaining Outcomes of Negotiation: Toward a Grounded Model For Negotiations Between Organizations," in *Research on Negotiation in Organizations* Vol. 6., pp. 247-256; 262-270.

Thomas Beisecker, "Knowledge Versus Ignorance as Bargaining Strategies: The Impact of Knowledge about Other's Information Level," *Social Science Journal* 26 2 (1989), pp. 161-171.

Samuel B. Bacharach and Edward J Lawler, "Power Dependence and Power Paradoxes in Bargaining", *Negotiation Journal*, April 1986, pp. 167-75.

### **Weeks 9-10: Bargaining Strategies: The Structural Dynamics of Negotiation**

James K. Sebenius, "Negotiation arithmetic: adding and subtracting of issues and parties," *International Organization* 37 (Spring 1983), pp. 281-316.

Barry O'Neill, "Conflictual Moves in Bargaining: Warnings, Threats, Escalations and Ultimatums," in H. Peyton Young, ed., *Negotiation Analysis*, pp. 87-107.

Thomas Schelling, "Essay on Bargaining," in *The Strategy of Conflict*, pp. 21-52.

James Lax and James Sebenius, *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain*, pp. 88-102.

Dean G. Pruitt and Peter J. Carnevale, "Social Norms and their Impact on Negotiation," in *Negotiation in Social Conflict*, pp, 119-129.

Janice Gross Stein, "The Political Economy of Security Arrangements: The Linked Costs of Failure at Camp David," in Harold K. Jacobson and Robert D. Putnam eds., *Double-Edged Diplomacy: International Bargaining and Domestic Politics*, pp. 77-103.

Bram Atlin and David Kelman, "Uncertainty, Adversarialism and Fault in Contracts to Negotiate," 1-23.

### **Week 11: Rival Approaches to Rationality**

Bruce Chapman, "The Rational and the Reasonable: Comparison of Social Choice Theory and Legal Adjudication" 61 *University of Chicago Law Review* 41 (1994) pp. 41-122.

Menachem Fisch. *Rational Rabbis : Science and Talmudic culture*, pp.28-35 plus footnotes.

Thomas Schelling, "Ethics, Law and the Exercise of Self-Command." In McMurrin ed., *Liberty Equality and the Law*. 165-169, 177-180.

### **Week 12: Agents in Negotiations**

James K. Sebenius and David Lax, "Negotiating Through an Agent," *Journal of Conflict Resolution* 35 (September 1991), pp. 474-93.

*Law Society Act*, R.S.O. 1990, C. L-8 as amended: ss. 34, 37, 38, 62(1). 12, 63.1.

*Rules of the Law Society of Upper Canada*

Rule 3, Commentary 1-4, 9, notes 1-5, 9.

Rule 8, Commentary 1-4, nn. 1-5.

Rule 10, Commentary 1-7, nn. 1-17.

Rule 14, Commentary 1-7, nn. 1-8.

**Week 13: Breakdown and Closure**

Stephen E. Weiss, "Explaining Outcomes of Negotiation: Toward a Grounded Model For Negotiations Between Organizations," in *Research on Negotiation in Organizations* Vol. 6., pp. 271-292.

Ellen Gutterman, The Preliminary Agreement as Reference Point in a Failed Negotiation. The Case of Bell Atlantic and Telecommunications Inc. (Occasional paper series of the Harrowston Program on Conflict Management and Negotiation.) pp. 1-17.

Caroline Hartzell and Donald Rothchild, "Political Pacts as Negotiated Agreements: Comparing Ethnic and Non-Ethnic Cases," *International Negotiation* 2, 1 (1997) pp. 147-156, 167-171.



